IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 2434 OF 1999

Purshottam Vasant Vyas... ... Petitioner.
Versus
The State of Maharashtra & Ors.. ... Respondents.

Ms. A. S. Prabhu i/by Mr. N.V. Bandiwadekar
for the Petitioner.

Mr. V.P.Malvankar, AGP for Respondent Nos.1 & 2.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 1ST AUGUST, 2006.

P.C. :

The petitioner, by means of this writ petition, impugns the order dated 16th March, 1999 passed by the Education Officer (Secondary), Raigad Zilla Parishad, Raigad - respondent no.2.

2. The Petitioner has claimed that he has been working as a trained graduate teacher in Shri Mohanlal Soni Vidyalaya and Shri Nanasaheb Kulkarni Junior College, Borli-Panchatan - Respondent No.4, since 1991-1992 and receiving pay scale of 1400-2600. By the impugned order dated 16th March, 1999 the Education Officer (Secondary) Raigad Zilla Parishad has ordered to place the petitioner in scale of 1200-2040.

3. Counsel for the petitioner submitted that the impugned order dated 16th March, 1999 is seriously prejudicial to the petitioner and, therefore, it was incumbent upon respondent no.2 to give notice to the petitioner before the adverse order came to be passed. In this connection she relies upon the unreported order of this Court passed on 1st February, 2006 in Writ Petition No. 2303 of 2000 **(Sudam Baburao Thokal v/s State of Maharashtra & ors.).**

4. Mr. V. P. Malvankar, Assistant Government Pleader, fairly conceded that no notice was given to the petitioner before the order dated 16th March, 1999 came to be passed. He also conceded that the order passed by this Court in the case of Suddam Baburao Thokal is applicable to the present case.

5. In the light of the submissions made by the counsel for the parties, it is apparent that the impugned order dated 16th March, 1999 has been passed at the back of the petitioner. That the said order is seriously prejudicial to the petitioner is apparent from the fact that the petitioner’s pay scale is reduced from 1400-2600 to 1200-2040 by the impugned order. Obviously, therefore, before passing the impugned order the petitioner was required to be noticed and given

hearing.

6. Consequently, the impugned order dated 16th March, 1999 passed by respondent no.2 is quashed and set aside.

7. The present order shall not preclude respondent no.2 in passing fresh order after hearing the petitioner.

8. Rule is disposed of, accordingly.

9. No costs.

Sd/-

(R. M. LODHA, J.)

SD/-

(NARESH H. PATIL, J.)